

MAR 09 2009

PTO/SB/64 (12-08)

Approved for use through 01/31/2009, OMB 0851-0031

U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

<b>PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)</b>		<b>Docket Number (Optional)</b> 14001.41002090 (FIT 137209)
First named inventor: MARK WILLIAM JANOSKA		
Application No.: 09/275,934		Art Unit: 2616
Filed: MARCH 24, 1999		Examiner: T. D. Hoang
Title: METHOD AND APPARATUS FOR LINE CARD REDUNDANCY IN A COMMUNICATION SWITCH		
<p>Attention: Office of Petitions  <b>Mail Stop Petition</b>          Commissioner for Patents          P.O. Box 1450          Alexandria, VA 22313-1450          FAX (571) 273-8300</p>		
<p>NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.</p>		
<p>The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.</p>		
<p align="center"><b>APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION</b></p>		
<p>NOTE: A grantable petition requires the following items:</p> <ul style="list-style-type: none"> <li>(1) Petition fee;</li> <li>(2) Reply and/or issue fee;</li> <li>(3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and</li> <li>(4) Statement that the entire delay was unintentional.</li> </ul>		
<p>1. Petition fee</p> <p><input type="checkbox"/> Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.</p> <p><input checked="" type="checkbox"/> Other than small entity - fee \$ <u>1620.00</u> (37 CFR 1.17(m))</p>		
<p>2. Reply and/or fee</p> <p>A. The reply and/or fee to the above-noted Office action in the form of _____ (identify type of reply):</p> <p><input type="checkbox"/> has been filed previously on _____</p> <p><input type="checkbox"/> is enclosed herewith.</p> <p>B. The issue fee and publication fee (if applicable) of \$ <u>1510.00</u></p> <p><input type="checkbox"/> has been paid previously on _____</p> <p><input checked="" type="checkbox"/> is enclosed herewith.</p>		

(Page 1 of 2)

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

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## 3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Gregory J. Murgia  
Signature

9 Mar 2009  
Date

Gregory J. Murgia  
Typed or printed name

41,209  
Registration Number, if applicable

600-700 Mountain Avenue  
Address

908-582-4662  
Telephone Number

Murray Hill, New Jersey 07974  
Address

Enclosures: ☒ Fee Payment☒ Reply☐ Terminal Disclaimer Form☒ Additional sheets containing statements establishing unintentional delay☒ Other: AUTHORIZATION TO CHARGE DEP. ACCT. 12-2325 FOR REQUIRED FEES**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

- ☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.
- ☒ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

9 March 2009  
Date

Patty Glebler  
Signature  
Patty Glebler  
Typed or printed name of person signing certificate

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MAR 09 2009

Serial No. 09/275,934

IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE

## Patent Application

Inventor(s): Mark William Janoska

Atty Docket No: 14001.4100209 (FIT 137209)

Serial No.: 09/275,934

Group Art Unit: 2616

Filed: March 24, 1999

Examiner: T. D. Hoang

Title: Method And Apparatus For Line Card Redundancy In A  
Communication Switch

Attn: Office of Petitions

MAIL STOP: PETITIONS

COMMISSIONER FOR PATENTS

P.O. BOX 1450

ALEXANDRIA, VA 22313-1450

SIR:

**Statement Establishing Unintentional Delay  
Of Issue Fee Payment**

This Statement accompanies a Petition For Revival Of An Application For Patent Abandoned Unintentionally Under 37 CFR 1.137(b) in the above-identified application.

It is hereinafter explained that, in good faith and upon receipt of the Notice of Allowance and Fee(s) Due from the responsible Outside Counsel attorney, Applicant docketed the Notice at its facility in Kanata, Canada. Applicant subsequently forwarded the Notice via email to the responsible in-house Managing Attorney for review and approval to pay the fee. The email further instructed the Attorney to forward the Notice to Murray Hill, New Jersey, for eventual payment of the issue fee by December 19, 2008.

The known facts and circumstances surrounding delayed payment follow:

1. The Notice dated September 19, 2008, was received by Applicant's Outside Counsel attorney Ross D. Snyder & Associates, Inc. (Austin, TX).
2. The Notice was forwarded to Applicant's facility in Kanata, Canada, and docketed on October 30, 2008.

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Serial No. 09/275,934

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3. The Notice was emailed by the Kanata Docket Administrator to the responsible Managing Attorney for review and approval on November 10, 2008. It was requested in that email that the Managing Attorney, upon approval, forward the Notice to Murray Hill, NJ, for eventual payment. All Alcatel-Lucent Notices of Allowance are sent to the Murray Hill, NJ, facility and queued for issue fee payment.
4. On December 22, 2008, it was discovered that the issue fee payment was not made by the due date of December 19, 2008.
5. The Managing Attorney was contacted and, upon reviewing his electronic mailbox, discovered he unintentionally misfiled the instructional email to both review and forward his approval to Murray Hill along with the Notice.

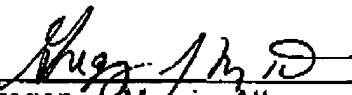
In view of the above account of events, it should be clear that Applicant unintentionally missed paying the issue by the due date of December 19. Applicant discovered the error on December 22, 2008, communicated with all parties involved from Kanata and Murray Hill to investigate the matter, and dutifully moved to submit payment all required revival and issue fees.

#### **AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT**

Commissioner is authorized to charge **Lucent Technologies Deposit Account 12-2325** in the amount of \$1620.00 and \$1510.00 (totaling \$3,130.00) as outlined in PTO/SB/64. In the event of any non-payment or improper payment of a required fee, the Commissioner is authorized to charge **Lucent Technologies Deposit Account No. 12-2325** as required to correct the error.

Respectfully submitted,

By

  
\_\_\_\_\_  
Gregory J. Murgia, Attorney  
Reg. No. 41,209  
(908) 582-4662

Date: 9 March 2009